

Pursuant to Federal Rule of Civil Procedure 58(d), the plaintiffs, Donald Vance and Nathan Ertel, and the defendants, Donald Rumsfeld and the United States of America, jointly request that the Court enter final judgment in this case.

In an opinion dated July 29, 2009, this Court denied the United States’ motion to dismiss the sole claim against it. Docket No. 164. In a separate opinion dated March 5, 2010, the Court denied in part and granted in part defendant Rumsfeld’s motion to dismiss the three claims asserted against him. Docket No. 214. In a decision dated November 7, 2012, the United States Court of Appeals for the Seventh Circuit reversed the judgment of this Court with respect to its denial of the United States’ motion to dismiss and its partial denial of defendant Rumsfeld’s motion to dismiss. *See Vance v. Rumsfeld*, 701 F.3d 193 (7th Cir. 2012) (en banc). The Seventh Circuit issued its mandate to this Court on January 2, 2013. Docket No. 301. No party requested a stay of the Seventh Circuit’s mandate. The U.S. Supreme Court denied the plaintiffs’ petition for certiorari on June 10, 2013. *Vance v. Rumsfeld*, No. 12-976, 2013 WL 488898, 81 U.S.L.W. 3460 (June 10, 2013).

In light of the foregoing, the parties now request that the Court enter a final judgment of dismissal in this case. A proposed judgment of dismissal is attached to this motion.

Respectfully submitted this 15th day of July 2013,

STUART F. DELERY
Acting Assistant Attorney General, Civil Division

RUPA BHATTACHARYYA
Director, Torts Branch

MARY HAMPTON MASON
Senior Trial Counsel, Torts Branch

/s/ James R. Whitman
JAMES R. WHITMAN
Senior Trial Attorney
United States Department of Justice
Torts Branch, Civil Division
P.O. Box 7146, Ben Franklin Station
Washington, D.C. 20044-7146
Tel: (202) 616-4169
Fax: (202) 616-4314
E-mail: james.whitman@usdoj.gov
D.C. Bar No. 987694

Attorneys for defendants Donald Rumsfeld and the United States

/s/ Michael Kanovitz
Arthur Loevy
Jon Loevy
Michael Kanovitz
Russell Ainsworth
Gayle Horn
LOEVY & LOEVY
312 N. May St., Suite 100
Chicago, IL 60607

Attorneys for plaintiffs Donald Vance and Nathan Ertel